

THE NEWS OF NORFOLK ON PAGES 2, 3, 5, 6 AND 12.

COURT DECISIONS.

Notes of Cases Recently Decided,
Which are of Interest to
Our People.

DIGESTED BY W. B. MARTIN.
(Exclusively for Virginian-Pilot.)

IN RE BOYLE.

Supreme Court of Idaho,
June 16, 1899.

IN CASE OF INSURRECTION OR REBELLION, THE GOVERNOR, OR MILITARY OFFICER IN COMMAND TO SUPPRESS IT, MAY SUSPEND, OR DISREGARD, THE WRIT OF HABEAS CORPUS. THE GOVERNOR'S PROCLAMATION DECLARING A COUNTY IN REBELLION PUTS INTO EFFECT MARTIAL LAW IN SAID COUNTY. THE TRUTH OF THE STATEMENTS IN SUCH PROCLAMATION CANNOT BE ENQUIRED INTO ON APPLICATION FOR A WRIT OF HABEAS CORPUS IN SUCH COUNTY.

This was an application by William Boyle for a writ of habeas corpus. The Governor of Idaho issued a proclamation declaring the county of Shoshone to be in a state of insurrection and rebellion, and on his call the President of the United States sent a military force into said county which proceeded to arrest the parties supposed to have been engaged in outrages in order to bring them before the proper tribunal for trial. Among those arrested was the petitioner.

The court says: Counsel have argued upon the question as to whether the authority to suspend the writ of habeas corpus rests with the legislative or executive power of the government; but, from our view of the case, the question is not before us. We are of the opinion that whenever, for the purpose of putting down insurrection or rebellion, the exigencies of the case demand for the successful accomplishment of this end in view, it is entirely competent for the executive or for the military officer in command, if there be such, to suspend the writ, or disregard it, if issued. The statutes of this State make it the duty of the Governor to suppress such a state of insurrection or rebellion, and the Governor shows that he has existed in Shoshone county for the past six or seven years, to proclaim such locality in a state of insurrection, and to call in the aid of the military of the State, or of the Federal government, to suppress such insurrection, and re-establish permanently the ascendancy of the law. It would be an absurdity to say that the action of the executive, under such circumstances, may be negatived, and set at naught by the judiciary, or that the action of the executive may be interfered with or impeded by the judiciary. If the courts are to be made a sanctuary, a city of refuge, whereunto malefactors may flee for protection from punishment justly due for the commission of crime, they will soon cease to be that palladium of rights of the citizen so ably described by the poet. On application for writ of habeas corpus, the court is called upon to issue a proclamation, a certain county to be in a state of insurrection and rebellion will not be inquired into or reviewed. The action of the Governor in declaring Shoshone county to be in a state of insurrection and rebellion, and his action in calling to his aid the military forces of the United States for the purpose of restoring good order and the supremacy of the law, has the effect to put into force, to a limited extent, martial law in said county. Such action is not in violation of the Constitution, but in harmony with it, being necessary for the preservation of government. In such case the government may, like an individual acting in self-defense, take those steps necessary to preserve its existence. Writ denied.

EVERETT V. SWAN.
Supreme Court of Utah,
June 6, 1899.

WHEN A PUBLIC OFFICER, OR POLICEMAN, ENTITLED TO A FIXED SALARY, IS UNLAWFULLY REMOVED, HE CAN RECOVER HIS WHOLE SALARY, AND HIS EARNINGS, WHILE HE IS PREVENTED FROM PERFORMING THE DUTIES OF HIS OFFICE, ARE NOT TO BE DEDUCTED.

This was an application for a writ of mandamus against the City Auditor of Salt Lake City to compel him to draw a warrant for the salary due petitioner as a policeman. In a former case it had been decided that petitioner had been unlawfully removed from his office as a policeman and was entitled to hold the same. The lower court gave judgment for plaintiff and defendant appealed. The court says: The right to hold an office includes the right to receive the salary incident and belonging thereto, and when an ordinance fixes a salary, to be paid out of the city treasury, it is not necessary for the City Council to make an appropriation for such salary.

Where a public officer or policeman, entitled to a fixed salary, is unlawfully removed, and prevented, through no fault of his own, from performing the duties of his office, he is entitled to recover the salary; and the amount earned by him in other employment during his unlawful removal should not be deducted from his unpaid salary, even if the whole salary has been paid to another who filled the supposed vacancy. Affirmed.

MISKELL V. PROKOP.
Supreme Court of Nebraska,
June 8, 1899.

A RIGHT TO THE EXCLUSIVE USE IN A PARTICULAR LOCALITY OF A TRADE-NAME OR SIGN MAY BE ACQUIRED. IT IS NOT AN INFRINGEMENT OF A SIGN OR TRADE-NAME IF ORDINARY ATTENTION WILL DISCLOSE A DIFFERENCE.

This was a suit to enjoin the defendant from using the word "Racket" in his signs and advertisements of his business. The lower court refused the injunction and plaintiff appealed. The plaintiff had been carrying on a mer-

cantile business in the village of Wilber, under the name of "Racket Store," and used this name on his sign and in his advertisements. The defendant started a similar business, using the name "New York Racket Store," the words "New York" being put in small letters and the others in large ones.

The court says: It was disclosed by the evidence that the word "Racket" was quite frequently used as descriptive of stores wherein business was conducted along and in certain lines, and had been so of late years, and prior to the plaintiff's adoption of it. In some cases it has been decided that such designations are but descriptive in their character, and their subsequent, similar use by a near rival will not be enjoined at the instance of one who had made the prior selection and application.

In the present case we think the question upon which the decision must turn is, was the defendant's sign, taken as a whole, such a simulation of that of the plaintiff's as to work the mischief attributed to it, or well calculated to do so. The District Court evidently determined that it was not. And in view of all the evidence, inclusive of a consideration of the wording of the two signs entire, we cannot say that its finding was manifestly wrong, and it will not be disturbed. Affirmed.

SHORT CHANGE GAME.

WORKED ON PATRONS INSIDE THE TENTS OF THE WALLACE CIRCUS.

While inside the menagerie tent at the Wallace circus yesterday a gentleman who was accompanied by a little boy was swindled out of thirty dollars by a ticket seller.

The swindler asked the man if he could give him some bills of large denomination for some smaller ones. The ticket seller handed the gentleman ten dollar bills. The latter thanked him, handed him back, apparently, twelve five dollar bills, five one dollar bills and five silver dollars and quickly disappeared.

When the circus visitor examined the money carefully he found that he had been given six five dollar bills doubled up so as to appear as twelve when one end of them was counted, and these were laid in between the ones in a deft manner calculated to deceive in the hurry of the moment. Thus, when the bills were counted from one end they appeared to be \$65. This, with the silver dollars, made things appear correct until the discovery of the folded six five dollar bills.

As soon as the victim discovered his loss he left the tent and soon found Detective West on Church street, near the circus grounds. Detective West called in Sergeant Hoppel, who was near the office, and the little boy returned to the circus tent. The case was laid before the circus management and, rather than have any trouble, they gave the victim thirty dollars, the amount of his loss.

A NEW STEAMER

TO TAKE THE PLACE OF THE LOUISE.

The Chesapeake and Ohio railroad will soon order a new steamer to take the place of the Louise on the route between Norfolk and Newport News.

Rumors to this effect have been in circulation for several years, but the Louise continued to plough her way across Hampton Roads several times daily, and the rumors were always branded as the work of somebody's imagination. It is a fact, however, that the Chesapeake and Ohio has planned for some time to get a new steamer, but for reasons of management, rather than have any trouble, they gave the victim thirty dollars, the amount of his loss.

Now, it is stated, the time has arrived when the head officials believe a new and better steamer is needed, and it will not be surprising if the order for a magnificent screw steamer is placed in a few weeks with one of the well-known coast shipyards. The business on the line between the two cities has grown to enormous proportions. The company wants a steamer which can accommodate this business better than the Louise, and in quicker time. Just what disposition will be made of the Louise is not known.

Lumber on the Rise.

Another advance in the price of its product has been announced by the North Carolina Pine Association. A horizontal advance of fifty cents per thousand feet on all grades of lumber is announced as the result of the meeting held Thursday.

There have been several advances during the year, and prices now rule about \$3 per thousand higher than they were a year ago. The reason of the advance is said to be the advance in stumpage values. Prices are stiffened by a heavy demand, both domestic and foreign.

The Ladies.

The pleasant effect and perfect safety with which ladies may use Syrup of Figs, under all conditions, makes it their favorite remedy. To get the true and genuine article, look for the name of the California Fig Syrup Co. printed on the bottom of the package. For sale by all druggists.

Personally Conducted Tour to Niagara Falls.

Watkins' Glen, Buffalo, Rochester and Geneva. Round trip from Norfolk via Washington or Baltimore and through the Lehigh and Wyoming Valleys, Maunch Chunk, the Switzerland of America.

Leave Norfolk Wednesday, September 27th, as follows: Norfolk and Washington steamers—Leave Norfolk, 5:45 p. m.; leave Old Point, 6:45 p. m.; arrive Washington, 7:00 a. m.

Bay Line—Leave Norfolk, 6:00 p. m.; leave Old Point, 7:00 p. m.; arrive Baltimore, 6:45 a. m.

Chesapeake Line—Leave Norfolk, 5:45 p. m.; Old Point, 6:45 p. m.; arrive Baltimore, 6:30 a. m., connecting with special express leaving Washington at 8:30 a. m.; Baltimore at 9:15 a. m. Thursday, September 28th, arriving at Niagara Falls at 11:00 p. m. Through Pullman parlor cars from Washington and Baltimore. A rare opportunity to visit America's greatest wonder. Stopovers will be allowed on the return trip to Buffalo, Rochester, Geneva, Burdette (Watkins' Glen) and Maunch Chunk (Glen Onoka). The tickets will be valid for return passage eleven days from Norfolk, including day of sale. For tickets and Pullman car reservations, apply to Arthur G. Lewis, Southampton agent, No. 164, Main street, Norfolk, Va., under Atlantic Hotel.

THE INJURED

Condition of the Victims of the Hospital Fire.

Nurse Dolan Cheerful and Improving—Rejoiced by a Visit From Her Brother—A Tremendous Nightly by Better—An Error Corrected.

Miss Kate Dolan, the nurse who was badly injured in the St. Vincent's Hospital fire, continues to rest easy. Her brother was here from Washington to see her yesterday. He returned last evening, much relieved to find his sister's injuries were not so serious as reported on the night of the fire. It is not believed that any bones were broken, and her burns, while very painful, will heal. In company with Sister Bernard a Virginian-Pilot reporter visited Miss Dolan yesterday afternoon. She has been removed to the hospital, and is able to chat pleasantly with the sisters, nurses and physicians and those who visit her. Yesterday she was feeling especially well, her brother having visited her, and when the reporter entered her ward she asked, jokingly, if he had a kodak. "I am so afraid some one will take me in this plight," she said, and while talking in this jocular vein she suddenly turned deadly white and gave a startling cry of pain. Her injuries are such that the slightest move sometimes causes intense pain. That she is one of the most lovable of the young women nurses at the hospital is well attested by the devotion shown by the sisters, nurses and other attaches. She assisted bravely in the work of rescue on the night of the fire before her injuries were received, and this has made her one of the heroines of that night of terror, second to none in heroic deeds.

It is hoped that Miss Dolan will recover in time to resume her work and graduate next Spring. She is richly endowed with tenderness of spirit and is an ideal nurse in the estimation of those at the hospital.

FIREMAN BARRETT'S CONDITION.

Fireman Thomas A. Barrett's condition was but little changed yesterday, but last night he was thought to be slightly better. Hope for his recovery is growing stronger.

Fireman Barrett is a man of family and over 40 years of age. Fire Chief Ryan speaks of him as a courageous and cool fire-fighter at all times. His record with the department is of the best and the firemen are inquiring closely after his condition, showing great interest.

The other injured are doing well.

HOW MRS. PIPPIN DIED.

A special from Tarboro, N. C., to the Raleigh News and Observer states that a lady from Norfolk is reported to have said that Mrs. Patty Pippin, the Tarboro woman who perished in the flames, appeared at her window and seeing no way of escape went back into her room and was burned to death. The particulars of her death are as follows: While rescuing the patients on the fourth floor two firemen came upon Mrs. Pippin in a highly agitated state of mind. They started to carry her down stairs, but she resisted. There being others to rescue the firemen left her at the head of the stairway, telling her to start on her way down. It appears, however, that she ran back to her room and before any one could develop that part of the building and she was found on the third floor.

Reduced Rates to Washington.

See reader of the Norfolk and Washington Steamboat Company, stating that it will sell tickets September 30th and October 1st to Washington, good to return on October 4th, for \$3 on account of the Dewey celebration.

OTHER LOCAL ON PAGE 6

MILD, PAINLESS; BUT

WONDERFULLY EFFECTIVE.

THE GENTLE HEALING TREATMENT OF CATARRH USED BY DR. FIREY HAS RESTORED HUNDREDS TO HEALTH. A PROMINENT LUMBER MERCHANT ADDS HIS TESTIMONY TO ITS POWER TO CURE CATARRH AND DEAFNESS.

"I was greatly benefited myself by Dr. Firey's treatment, so as ONE OF MY FAMILY HAD VERY DEFECTIVE HEARING, and I was afraid she would become entirely deaf, I placed her under Dr. Firey's treatment. A FEW MONTHS TREATMENT SUFFICED TO ENTIRELY RESTORE HER HEARING, AND SHE CAN HEAR NOW AS WELL AS ANYONE. I have great faith in DR. FIREY'S TREATMENT FOR CATARRH AND DEAFNESS and cordially recommend it."

"S. W. GOODMAN, (residence) '207 W. Brambleton Ave., Norfolk. 'Yards and mill 'Berkley, Va.'"

DR. FIREY, M.D.

Has offices 1 and 2 No. 311 Main street, Norfolk, Va. Specialties: Catarrh and all diseases of Eye, Ear, Nose, Throat, Chest and Stomach.

Hours, 9 a. m. to 12:30 p. m.; 2 p. m. to 5:30 p. m. Sunday hours, 10:30 a. m. to 12:30 p. m. Tuesday night and Thursday night, 7:30 p. m. to 8 p. m.

Consultation always free. Medicines furnished. Terms always moderate. Eyes examined for glasses free of charge.

The Saks Stores

There's No Ready-to-wear Match for Saks-made Clothing

A broad statement—but we make it positively, absolutely sure it cannot be successfully contradicted. You as a wearer of it will be better dressed than nine-tenths of the tailor-made men—at very near half the cost. It's not wonderful to those who know the conditions. It's only a natural consequence. Our Suits and Top Coats are made by us. Made by a force of cutters and tailors whom we've drilled into our ways—imbued with our idea of what constitutes good clothing—a force that we do not permit to become disbanded out of season—a force of every one experts in their branch—as designers, cutters, tailors. There are no hit-or-miss chances to be run. Our "Fit Reform" Patterns can lead to but one result—perfection of fit. And with the best of material—weaves, linings, trimmings—only satisfaction is the product. They make for nobody else but us—and you. In reality ours are custom-made garments, for they are made with your personalities in view.

It isn't so remarkable that the \$20, 25, 30, and higher price grades lead so far. But the goodness below \$20 is. In the three grades cited here there's immense satisfaction—and what every man appreciates—a chance to save from \$3 to \$5 along with it.

Top Coats.

Rough Black Cheviots, Gray Herringbone Cheviots, with velvet collars; Tan Coat Cloth, with strap seams and patch pockets. They are cut short and medium length, full back and square shoulders; as much style as any Coat, as much value as anybody else's \$10 Coats. But they are in our line at.....

\$7.50

Black Thibet Cloth, fast color and all wool; Oxford Mixed Cheviot, with full satin lining; Tan Coat Cloth, with strap seams. We want special observance taken of the manner of making and the wealth of quality—it equals the usually recognized \$12.50 value. Our price is

\$10.00

Tan Coat Cloth, with plain or patch pockets; another finer Herringbone Cheviot, with velvet collar; Black Unfinished Worsted; all three of these are lined with very best quality of Italian cloth, with silk sleeve linings, and cut in both medium and short nobby lengths; tailored to a finish. Worth \$15. Our price is only.....

\$12.50

Fall Suits.

Gray Mixed Cheviots, nobby Checked Cheviots, and fast-color black ribbed Cheviots; strictly all wool, cut in single-breasted Sacks, with Single or Double-breasted Vests, and they'll fit as though they were cut to measure. Worth \$10 in comparison with anybody's. Our price is.....

\$7.50

Blue and Black Novelty Striped Worsteds, Brown and Black Striped Novelty Worsteds; hard twisted yarns that hold their shape. All-wool Black and Gray Mixed Cassimeres; made up in Single-breasted Sacks, with Single or Double-breasted Vests; perfectly tailored and guaranteed. Worth \$12.50—for....

\$10.00

Hard-finished Worsted, in stylish stripes, Black Cheviots and Thibets, and Novelty Cheviots; Winter-weight Blue Serge that is guaranteed fast color; lined with satin. All those little extras that mark good tailoring are in evidence here. \$15 satisfaction for

\$12.50

We want it distinctly understood that we do not deem that we are doing you a favor to right any shortcomings—rather that you are favoring us in bringing the matter to our attention. Our guarantee is positive. Satisfaction or your money back.

Men's Hats

To-morrow morning we put on sale 235 dozen Men's Derbies and Fedoras, of the latest shapes and shades, with silk bands and binding, that are worth \$2.50 and \$3. Choice for--

\$1.65

Value-Giving Feats in Men's Furnishings.

Brown and White Merino Shirts and Drawers, medium weight. All sizes and final value is 75c. a garment.....

50c

Men's Merino Unshrinkable Worsted Shirts and Drawers. All sizes and value that can only be equalled at \$1.50 a garment.....

\$1.00

100 dozen Fancy Striped Half Hose, in the new broad-striped effect; for colors and latest fad; worth 25c. a pair, for.....

15c

English Web Suspenders, in stripes, dots and fancy patterns. All sizes, cost 60c. Worth 50c. a pair, for.....

25c

You—and 249 other men—can each have a pair of Trousers, cut in latest fashion and perfect fitting; neat striped pattern, and worth \$3 a pair, for.....

\$2.00

Saks and Company.

C. E. JENKINS

Calls your attention to
Some Choice New Goods
JUST OPENED
AT A BARGAIN

44 Percakes, good styles, at only 8c.
All Colors of Outings. Cotton Coat Cloths, in all the colors.
Special attention to the cheapest stock of Black Handsome Crepons ever seen in this city. Also new Dress Goods, in mixtures and plaids.
Our new stock of Blankets and Table Covers have arrived and will be on sale on Monday at special prices.
You can save money by calling at our store on Monday.

C. E. JENKINS.

Southern Bell Phone, 1029.

L. H. WHITEHURST

Wishes to call the attention of his customers and the public generally to the fact that his fall stock is very large, new and attractive.

COATS

Forty different styles to show you.

CAPES

In Golf, Plush and Plain Cloth.

FURS

A very large line to select from.

DRESS GOODS

In the leading styles—Black and Colored. Fall \$1.50 in a large variety. Blankets ranging from \$1.10 to \$5.00 per pair.
Underwear, in Gents', Ladies' and Children's.
Flannels, in Wool, Canton, Light and heavy weight.
Table Damask, Doilies, Napkins, Towels, etc. All sold at bottom prices.
Your inspection of my stock solicited.

L. H. Whitehurst,

336 MAIN STREET.
New Phone 857.

What Is ... Always Rolling

BALL is always rolling around looking for something DIFFERENT in
Ladies' and Gentlemen's Furnishings and Fancy Goods

Remember, patrons, BALL has found the very NEWEST and PRETTIEST assortment of the above goods in the market.

BALL has rolled around the country until he found an EXCELLENT
Crop of Fall Ties at 25c. AND 50 CTS.

They cannot be appreciated until they are looked over. It doesn't cost anything to come and look over the stock, and we are anxious to show it.

Where shopping is a pleasure—
ELIAS BALL,
362 MAIN STREET.
DISSOLUTION NOTICE.

The firm of BENSTEN & VANDERBERRY is this day dissolved by mutual consent. All approved debts of the firm are hereby assumed and will be paid by Mr. R. W. Bensten & Co., who will continue the Bicycle and Repair Business at—City Hall Avenue.
R. W. BENSTEN,
J. T. VANDERBERRY.

Take an Hour Off and get acquainted with our handsome new goods.

We have suitings here at \$15 to \$20 to order that you will be glad to meet, though you be very particular in making suit acquaintances. Several nations are represented at \$15 to \$20 to order. As for fit and workmanship, you may take the same for granted here.

E. B. Brady & Co.

COR. MAIN AND CHURCH STS.

An Artistic and Richly Furnished Parlor

should contain one of our exquisitely inlaid or open frame Parlor Suits, upholstered in rich Damask, in beautiful shades of color, that will make the TOTAL ENSEMBLE of your rooms "like one grand sweet song" in their harmony. We have some handsome new designs in Parlor Furniture at prices that will surprise you.

Sam'l C. Phillips,

Cheapest, Furniture, Stove and Carpet House in the City.
331 to 337 Church St., oppo. Freemason, NORFOLK, VA.

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Rubber and Steel Stamps, Railroad, Hotel, Baggage and Dress Checks, Seals, Badges, Stencil and Stamp Inks, Pens, Daters, etc.

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